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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE SUBPOENA SERVED ON FORMER
SECRETARY OF EDUCATION
ELISABETH DEVOS

No. 3:21-mc-80075-WHA

**DECLARATION OF KEVIN P.
HANCOCK**

I, Kevin P. Hancock, do hereby declare:

1. I am a Trial Attorney at the Department of Justice, Civil Division, Federal Programs Branch and counsel for the U.S. Department of Education (“Department”). I submit this declaration in support of the Department’s Motion to Quash Rule 45 Deposition Subpoena.

2. Attached hereto as Exhibit A is a true and accurate copy of a notice of deposition and a subpoena to testify at a deposition in a civil action for Elisabeth DeVos, dated January 26, 2021, and issued by counsel of record for Plaintiffs in *Sweet, et al. v. U.S. Department of Education, et al.*, 19-cv-3674-WHA (N.D. Cal.) (“*Sweet*”).

1 3. Attached hereto as Exhibit B is a true and accurate copy of an email exchange dated
2 January 26, 2021 involving myself, additional counsel for the Department, and counsel of record
3 for the Plaintiffs in *Sweet*.

4 4. Attached hereto as Exhibit C is a true and accurate copy of an email exchange dated
5 January 22, 2021 involving myself, additional counsel for the Department, and counsel of record
6 for Plaintiffs in *Sweet*.

7 5. Attached hereto as Exhibit D is a true and accurate copy of Plaintiffs' First Request
8 for Production of Documents to Defendants Secretary of Education Elisabeth DeVos and the
9 United States Department of Education (narrowed proposal), dated December 10, 2020.

10 6. Attached hereto as Exhibit E is a true and accurate copy of a letter dated April 16,
11 2021 sent from counsel of record for Plaintiffs in *Sweet* to counsel of record for the Department.

12 7. Attached hereto as Exhibit F is a true and accurate copy of excerpts from the tran-
13 script of the *Sweet* Plaintiffs' December 15, 2020 deposition of Mark Brown, with highlighting of
14 cited passages added by myself.

15 8. Attached hereto as Exhibit G is a true and accurate copy of excerpts from the tran-
16 script of the *Sweet* Plaintiffs' December 9, 2020 deposition of Colleen M. Nevin, with highlighting
17 of cited passages added by myself.

18 9. Attached hereto as Exhibit H is a true and accurate copy of excerpts from the tran-
19 script of the *Sweet* Plaintiffs' December 17, 2020 deposition of James Manning, with highlighting
20 of cited passages added by myself.

21 10. Attached hereto as Exhibit I is a true and accurate copy of excerpts from the tran-
22 script of the *Sweet* Plaintiffs' November 20, 2020 deposition of Diane Jones, with highlighting of
23 cited passages added by myself.

24 11. Attached hereto as Exhibit J is a true and accurate copy of Defendants' Responses
25 and Objections to Plaintiffs' First Set of Interrogatories in *Sweet*, dated December 7, 2020.

26 12. Attached hereto as Exhibit K is a true and accurate copy of an excerpt from the
27 transcript of the *Sweet* Plaintiffs' December 9, 2020 deposition of Colleen M. Nevin, with high-
28 lighting of cited passages added by myself.

Declaration of Kevin P. Hancock

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